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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Kunihiko Hori, et al.

Confirmation Number: 2700

Serial No.: 10/085,135

Group Art Unit: 3764

Filed: March 1, 2002

Examiner: Quang D. Thank

For: MASSAGE MACHINE AND
PHYSIOLOGICAL QUANTITY MEASURING ...

Attorney Docket: 020235

RESPONSE AFTER FINAL REJECTION

*****please expedite*****

Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450
Sir:

Date: September 9, 2004

This paper is in response to the Office Action mailed on March 18, 2004. Please charge Deposit Account No. 01-2340 for the cost of a three-month extension of time. Any other fees needed for entry of this paper may also be charged to Deposit Account No. 01-2340. Please consider this paper as a petition for an appropriate extension of time.

The Examiner is requested to consider the following remarks:

[1-2] Claims 1, 2, 4, and 6-8 were rejected under 35 U.S.C. §103 as being unpatentable over Inbe (U.S. Patent 5,993,401) in view of Stark (U.S. Patent 6,371,123).

Claim 1 as amended recites "wherein the means for judging the psychological state of the person being massaged judges the psychological state based on a *time rate of change* of the physiological quantity" (emphasis added). The word "rate" means "a certain quantity or amount of one thing considered in relation to a unit of another thing" (Random House Dictionary), so that *two* quantities are involved in a "rate." The phrase "time rate of change" further implies numerical division by time.

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Response to O.A. dated 3/18/04

[6] Claims 1-6 are rejected for obviousness-type double patenting over claims 10-16 of Application 09/995,801. This rejection is respectfully traversed. The feature added by the December 29 Amendment, the time rate of change of a physiological quantity, is not disclosed in the claims and is not at all suggested by the claims of the '801 application.

Claims 10 and 16 of the '801 application refer to "variations" in sensor information, but this word is very general and does not anticipate. Claim 14-16 of the '801 application refer to "reduced" and "increased" heart rates, a "rise" or "fall" in skin temperature, and "low" and "high" activity. These claims also do not disclose or suggest a time rate of change.

The allowance of claims 9-13 is noted with appreciation.

Respectfully submitted,

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I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 872-9306) on September 9, 2004.

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Signature 

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